

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TRUNG Q. PHAN,  
  
Defendant.

CASE NO. CR21-0028-JCC  
  
ORDER

This matter comes before the Court on the parties' stipulation and proposed order regarding the use of videoconferencing during the change of plea hearing and sentencing (Dkt. No. 18). Defendant Trung Q. Phan is charged with Failure to Appear in violation of 18 U.S.C. §§ 3146(a)(2) and 3146(b)(1)(A)(i). (Dkt. No. 15.) He is prepared to enter a guilty plea. (Dkt. No. 18.) Due to the ongoing health risks posed by the COVID-19 pandemic, except for limited exceptions, most in-person proceedings will not resume in this District until at least July 1, 2021. *See* W.D. Wash. General Order No. 04-21 at 2. The parties stipulate that Mr. Phan's guilty plea and sentencing hearings should proceed by videoconference because the hearings cannot be further delayed without serious harm to the interests of justice. (Dkt. No. 18.)

The Court may conduct felony plea hearings and sentencings by videoconference if the defendant consents and the Court finds that the hearings cannot be further delayed without serious harm to the interests of justice. *See* Coronavirus Aid, Relief, and Economic Security

(CARES) Act, Pub. L. No. 116-136, §§ 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order Nos. 06-21 17-20, 14-20, 04-20. For the reasons set forth in the parties' stipulation, which are incorporated herein, the Court so finds. The Court further FINDS and ORDERS:

1. Mr. Phan has a strong interest in the speedy resolution of this matter and in avoiding indefinite delay now that he has decided to plead guilty.
2. The guilty plea and sentencing hearings in this case cannot be further delayed without serious harm to the interests of justice.
3. Mr. Phan has waived his physical presence at the hearings and consents to remote hearings by videoconference.
4. The change of plea hearing in this matter will be conducted by videoconference before the duty U.S. Magistrate Judge as soon as practicable at a time to be coordinated by the parties with court staff; and
5. If the resulting sentencing hearing cannot be conducted in person pursuant to General Order 04-21 or a subsequent General Order issued by Chief Judge Martinez, the sentencing hearing may be conducted by video conference.

DATED this 14th day of April 2021.

A handwritten signature in black ink, appearing to read "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE